

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**IN RE:
BLUE CROSS BLUE SHIELD
ANTITRUST LITIGATION
(MDL NO. 2406)**

Master File No. 2:13-CV-20000-RDP

This document relates to all cases

**PLAINTIFFS' MOTION TO REOPEN THE DEPOSITIONS OF STEVEN
OSTLUND AND MICHAEL VELEZIS AND MOTION FOR SANCTIONS**

FILED UNDER SEAL

Time and time again during the discovery period of this case, Blue Cross and Blue Shield of Alabama (“BCBS-AL”) has failed to follow the rules of fair play set out by this Court and the Federal Rules. Most recently, BCBS-AL counsel Carl Burkhalter unilaterally halted the deposition of Steven Ostlund, a non-party witness from the Alabama Department of Insurance (“DOI”—who, critically, was independently represented by counsel, J. Fairley McDonald, III. Mr. Burkhalter claimed he was going to seek a protective order, as dictated by the Court in Discovery Order No. 3, but failed to do so within the time allowed by the Court.

Counsel’s failure to justify his actions proves that his real motive for cutting Mr. Ostlund’s deposition short was to impermissibly prevent unfavorable testimony regarding the level of BCBS-AL’s influence over DOI from being entered into the record. Similarly, in another recent deposition, Mr. Burkhalter instructed VP of Legal Services Michael Velezis not to answer questions about his compensation, even though there was no basis for doing so under the Federal Rules or this Court’s orders, and numerous other BCBS-AL executives have answered similar questions regarding their compensation. Enough is enough.

At its core, this case is about the Blues’ belief that they are above the rules. Apparently, BCBS-AL’s counsel believes that they are above the rules as well. Plaintiffs are done giving BCBS-AL counsel opportunities to remediate their behavior. Consequently, Plaintiffs move for the Court to enter an order reopening

Mr. Ostlund's deposition, sanctioning BCBS-AL counsel for costs associated with Mr. Ostlund's deposition, and reopening Mr. Velezis' deposition.

I. Plaintiffs respectfully request that the Court reopen the deposition of Steven Ostlund and sanction BCBS-AL counsel for costs associated with deposing Mr. Ostlund.

On February 5, 2018, Plaintiffs deposed Steven Ostlund from DOI. With less than an hour left in the deposition, Provider Plaintiff counsel asked Mr. Ostlund whether he had been involved in negotiating agreements between DOI and BCBS-AL regarding the amount of BCBS-AL's surplus funds in order to establish that the Consent Decree was just one of many agreements that BCBS-AL has "co-written" with DOI. Specifically, the purpose of this question was to establish a history of BCBS-AL's influence over DOI, as illustrated by agreements between DOI and BCBS-AL similar to the consent agreement that was the subject of Mr. Ostlund's deposition. Notably, Provider counsel had conveyed her intention to ask this line of questions to Mr. Ostlund's attorney prior to the deposition, and Mr. Ostlund's attorney indicated that he was open to this line of questioning. BCBS-AL counsel, however, refused to allow the witness to answer the question: "MR. BURKHALTER: I object to the form of the question. If you're going to continue to ask questions about surplus, which are unrelated to this consent order or communications, we will adjourn this deposition, I will call the Judge." Ex. A, Ostlund Deposition, 144:11–16.

Mr. Burkhalter did not call the Court. Instead, he purported to allow Provider counsel to establish a foundation for her questions. However, he shortly halted the line of questioning again:

MR. BURKHALTER: Okay. I object to the form, and I'm going to exercise my right, under the Rules and Rule 30 and Rule 37 to adjourn the deposition so that I can get a ruling on a motion for protective order that prevents the witness from answering these questions. So that's what I'm doing. If you want to ask questions in spite of that, then we'll file paperwork as necessary with the Court to address it. But, you know, that's improper. That's our view, That's my view. I'd recommend that we get on the phone and call the Judge's clerk to ask him about it.

MS. CROW: I plan on asking my questions, so –

MR. BURKHALTER: All right. Just to be clear, I'm not arguing with you, Christy. I have indicated that I would like to adjourn the deposition, which I believe is my right under the Federal Rules, to obtain an order that prevents you from going into this line of questioning, because it's beyond what the agreed-upon scope was, what the Court wanted.

Id. 146:16–147:13. Provider Plaintiff counsel attempted to ask additional questions, and Mr. Burkhalter requested a break. After the break, Mr. Burkhalter reiterated his intention to adjourn the deposition:

MR. BURKHALTER: To confirm what I just said off the Record: We, Blue Cross Blue Shield of Alabama, is going to exercise its right to file a formal motion to limit the scope of these questions. And so on that basis, we ask that the deposition be adjourned, give me an opportunity to file that motion, and to have it heard expeditiously. Thank you.

Id. 150:11–18. Before leaving, Mr. Burkhalter reiterated that his basis for halting the deposition was in order to seek a protective order from the Court¹: “I’m exercising my right, as I said, to adjourn the deposition, to file a motion and get a ruling.” *Id.* 152:4–6.²

Discovery Order No. 3 paragraph 9(c)(ii) provides:

If a deposition is suspended pursuant to Fed. R. Civ. P. 30(d)(3), the party who suspended the deposition shall file and serve a motion for a protective order under Fed. R. Civ. P. 26(c) within seven calendar (7) days of suspension of the deposition. If no motion for a protective order is filed, within fourteen (14) calendar days of the suspension of the deposition, a motion to compel and for sanctions under Fed. R. Civ. P. 37 may be filed and served.

Doc. 327 (Emphasis added). Although Mr. Burkhalter repeatedly indicated that his grounds for adjourning the deposition were that he intended to file a motion for a

¹ Provider counsel confirmed, on the record, that neither Mr. Ostlund nor his counsel felt that Provider counsel’s questions were harassing or offensive:

Q. And just for the Record, Mr. Ostlund and Mr. McDonald, were any of my questions -- I was trying to look up for the language that Carl read for us off the Record on Rule 30, and unfortunately he’s faster than me. Were they offensive to you in any way?

A. [Mr. Ostlund] No.

Q. Were they harassing to you in any way?

A. No.

MS. CROW: Mr. McDonald, was I offensive to your -- the employee of the Department of Insurance, in your opinion?

MR. MCDONALD: No.

Ex. A, Steven Ostlund Deposition 150:19–151:9.

² While the witness was there, Plaintiff’s counsel asked BCBS-AL to proceed and conduct its own examination. BCBS-AL refused. As such, Plaintiffs believe BCBS-AL has waived its right to cross-examine Mr. Ostlund.

protective order, BCBS-AL failed to do so within the time frame called for by Discovery Order No. 3.³ Discovery Order No. 3 is not permissive; it *requires* a party that suspends a deposition to file a motion for a protective order within seven calendar days. Moreover, there was no basis for suspending the motion.

Federal Rule of Civil Procedure 30(d)(3)(A) provides that “[a]t any time during a deposition, the deponent or a party may move to terminate or limit it on the ground that it is being conducted in bad faith or in a manner that unreasonably annoys, embarrasses, or oppresses the deponent or party.” During the deposition, both Mr. Ostlund and his attorney stated that they did not find Provider counsel’s questions harassing or offensive. *See* n. 1 *supra*. Mr. Ostlund’s testimony about DOI’s willingness to implement consent orders and other policies favorable to BCBS-AL is relevant to BCBS-AL’s status as a monopolist in the state of Alabama. To this end, BCBS-AL produced documents and voicemail recordings the day *after* Mr. Ostlund’s deposition that bear on the relationship between BCBS-AL and DOI, and about which Plaintiffs are entitled to question Mr. Ostlund. Re-opening the deposition will permit Plaintiffs to question Mr. Ostlund about these recordings. Consequently, Plaintiffs respectfully request that the Court enter an order reopening Mr. Ostlund’s deposition. Further, in light of BCBS-AL’s repeated

³ Per Discovery Order No. 3, Mr. Burkhalter was required to file a motion for a protective order by February 12, 2018.

disregard of the rules set forth by both the Federal Rules and this Court, Plaintiffs request that the Court enter an order sanctioning BCBS-AL counsel for the costs associated with both Mr. Ostlund's February 5 deposition and the reconvening of Mr. Ostlund's deposition, and order the deposition to be reconvened at Mr. Ostlund's convenience in the next 30 days.

II. Plaintiffs respectfully request that the Court reopen the deposition of Michael Velezis.

During the February 8, 2018 deposition of VP of Legal Services Michael Velezis, Mr. Burkhalter instructed Mr. Velezis not to answer questions regarding his compensation:

A large black rectangular redaction box covers approximately ten lines of text, starting below the "his compensation:" label and ending above the page number. The redaction is irregular, with white spaces at the top and bottom edges.

[REDACTED]

[REDACTED]. Mr. Burkhalter had no grounds for instructing Mr. Velezis not to answer questions concerning his compensation.

Federal Rule of Civil Procedure 30(c)(2) provides that “[a] person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered by the court, or to present a motion under Rule 30(d)(3).” Mr. Burkhalter gave none of these reasons as grounds for instructing Mr. Velezis not to answer, and has not filed a motion for a protective order pursuant to Rule 30(b)(d)(3). The Court has previously recognized that executive compensation is relevant to this lawsuit, *see* Discovery Order No. 29 (Doc. 661) at 2, and BCBS-AL has implicitly acknowledged this by permitting other executives to testify regarding their compensation and producing documents relating to its executives’ compensation. In fact, Mr. Velezis attended several depositions during which BCBS-AL employees testified about their compensation, including those of Eddie Harris, Douglas McIntyre, and Timothy Vines. Similarly, Mr. Burkhalter defended Mr. Harris’ deposition and permitted Mr. Harris to answer questions about his compensation. There was simply no basis for Mr. Burkhalter to instruct Mr. Velezis not to answer. Accordingly, Plaintiffs respectfully request that the Court enter an order reconvening Mr. Velezis’ deposition in order for Mr. Velezis to answer questions regarding his compensation and related matters within 14 days.

Additionally, BCBS-AL produced recordings that were not available until the morning of Mr. Velezis deposition that feature Mr. Velezis and DOI officials. Re-opening the deposition will permit Plaintiffs an opportunity to question Mr. Velezis about these recordings as well. BCBS-AL provides no explanation why these voicemails were produced so late in discovery, and should not be permitted to game the system so that they cannot be used at a deposition.

III. Conclusion

For the aforementioned reasons, Plaintiffs request that the Court enter an order reconvening the depositions of Steven Ostlund and Michael Velezis and sanctioning BCBS-AL counsel for improperly adjourning Mr. Ostlund's deposition.

Respectfully submitted the 16th day of February, 2018.

Provider Track

/s/ Joe R. Whatley, Jr.
Joe R. Whatley, Jr. – ***Co-Lead Counsel***
W. Tucker Brown
Helen L. Eckinger
WHATLEY KALLAS, LLP
2001 Park Place North
1000 Park Place Tower
Birmingham, AL 35203
Tel: (205) 488-1200
Fax: (800) 922-4851
Email: jwhatley@whatleykallas.com
tbrown@whatleykallas.com
heckinger@whatleykallas.com

Edith M. Kallas – ***Co-Lead Counsel***
Patrick J. Sheehan
WHATLEY KALLAS, LLP
1180 Avenue of the Americas, 20th Floor
New York, NY 10036
Tel: (212) 447-7060
Fax: (800) 922-4851
Email: ekallas@whatleykallas.com
psheehan@whatleykallas.com

Henry C. Quillen
WHATLEY KALLAS, LLP
159 Middle Street, Suite 2C
Portsmouth, NH 03801
Tel: (603) 294-1591
Fax: (800) 922-4851
Email: hquillen@whatleykallas.com

Subscriber Track

/s/ Barry A. Ragsdale
Barry Alan Ragsdale – ***Plaintiffs' Liaison Counsel and Discovery Liaison Counsel***
SIROTE & PERMUTT P.C.
P.O. Box 55727
Birmingham, AL 35255-5727
Tel: (205) 930-5114
Fax: (205) 212-2932
Email: bragsdale@sirote.com

/s/ David Boies
David Boies – ***Co-Lead Counsel***
BOIES, SCHILLER & FLEXNER LLP
333 Main Street
Armonk, NY 10504
Tel: (914) 749-8200
Fax: (914) 749-8200
Email: dboies@bsflp.com

Michael Hausfeld – ***Co-Lead Counsel***
HAUSFELD LLP
1700 K Street NW, Suite 650
Washington, DC 20006
Tel: (202) 540-7200
Fax: (202) 540-7201
Email: mhausfeld@hausfeldllp.com

Deborah J. Winegard
WHATLEY KALLAS, LLP
1068 Virginia Avenue, NE
Atlanta, GA 30306
Tel: (404) 607-8222
Fax: (404) 607-8451
Email: dwinegard@whatleykallas.com

Chris T. Hellums – ***Local Facilitating Counsel***
PITTMAN, DUTTON & HELLUMS,
P.C.
2001 Park Place N, 1100 Park Place
Tower
Birmingham, AL 35203
Tel: (205) 322-8880
Fax: (205) 328-2711
Email: chrish@pittmandutton.com

E. Kirk Wood, Jr. – ***Local Facilitating Counsel***
WOOD LAW FIRM LLC
P. O. Box 382434
Birmingham, AL 35238
Tel: (205) 612-0243
Fax: (205) 705-1223
Email: ekirkwood1@bellsouth.net

Provider Track

U.W. Clemon – *Plaintiffs' Steering Committee*

U. W. Clemon, LLC
5202 Mountain Ridge Parkway
Birmingham, AL 35222
(205) 837-2898
Email: clemonu@bellsouth.net

J. Mark White – *Litigation Committee*

Augusta S. Dowd – *Chair, Litigation Committee*

Linda G. Flippo – ***Discovery Committee***
WHITE ARNOLD & DOWD, P.C.
The Massey Building
2025 Third Avenue North, Suite 500
Birmingham, AL 35203
Tel: (205) 323-1888
Fax: (205) 323-8907
Email: adowd@whitearnold dowd.com
mwhite@whitearnold dowd.com
lflippo@whitearnold dowd.com

Aaron S. Podhurst – *Plaintiffs' Steering Committee*

Peter Prieto – ***Chair, Expert Committee***
PODHURST ORSECK, P.A.
Suntrust International Center
One S.E. 3rd Avenue, Suite 2700
Miami, FL 33131
Tel: (305) 358-2800
Fax: (305) 358-2382
Email: apodhurst@podhurst.com
pprieto@podhurst.com

Subscriber Track

William A. Isaacson – *Settlement Committee & PSC Member*

BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Avenue NW
Washington, DC 20015
Tel: (202) 237-2727
Fax: (202) 237-6131
Email: wisaacson@bsfllp.com

Gregory Davis – *Settlement Committee & PSC Member*

DAVIS & TALIAFERRO, LLC
7031 Halcyon Park Drive
Montgomery, AL 36117
Tel: (334) 832-9080
Fax: (334) 409-7001
Email: gldavis@knology.net

Megan Jones – *Settlement Committee & PSC Member*

Arthur Bailey – ***Discovery Committee***
HAUSFELD LLP
44 Montgomery Street, Suite 3400
San Francisco, CA 94104
Tel: (415) 744-1970
Fax: (415) 358-4980
Email: mjones@hausfeldllp.com
abailey@hausfeldllp.com

Charles Clinton Hunter
HAYES HUNTER PC
4265 San Felipe, Suite 1000
Houston, TX 77027
Tel: (281) 768-4731
Fax: (713) 583-7047
Email: chunter@hayeshunterlaw.com

Kathleen Chavez – ***Settlement Committee & PSC Member***
FOOTE, MIELKE, CHAVEZ &
O'NEIL, LLC
10 West State Street, Suite 200
Geneva, IL 60134
Tel: (630) 797-3339
Fax: (630) 232-7452
Email: kcc@fmcolaw.com

Dennis Pantazis – ***Plaintiffs' Steering Committee***
Brian Clark – ***Discovery Committee***
WIGGINS CHILDS PANTAZIS FISHER GOLDFARB
The Kress Building
301 Nineteenth Street North
Birmingham, AL 35203
Tel: (205) 314-0500
Fax: (205) 254-1500
Email: dgp@wcqp.com
bclark@wcqp.com

Cyril V. Smith – ***Settlement Committee & PSC Member***
ZUCKERMAN SPAEDER, LLP
100 East Pratt Street, Suite 2440
Baltimore, MD 21202-1031
Tel: (410) 949-1145
Fax: (410) 659-0436
Email: csmith@zuckerman.com

Dennis C. Reich – ***Chair, Damages Committee***
REICH & BINSTOCK, LLP
4265 San Felipe, Suite 1000
Houston, TX 77027
Tel: (713) 622-7271
Fax: (713) 623-8724
Email: dreich@rbfirm.net

Eric L. Cramer – ***Expert Committee***
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
Tel: 1-800-424-6690
Fax: (215) 875-4604
Email: ecramer@bm.net

Nicholas B. Roth – ***Chair, Discovery Committee***

Julia Smeds Roth – ***Discovery Committee***
EYSTER KEY TUBB ROTH
MIDDLETON & ADAMS, LLP
402 East Moulton Street
Decatur, AL 35601
Tel: (256) 353-6761
Fax: (256) 353-6767
Email: nroth@eysterkey.com
jroth@eysterkey.com

Robert J. Axelrod – ***Chair, Written Submissions Committee***

AXELROD & DEAN LLP
830 Third Avenue, 5th Floor
New York, NY 10022
Tel: (646) 448-5263
Fax: (212) 840-8560
Email: rjaxelrod@axelroddean.com

Van Bunch – ***Chair, Class Certification Committee***

BONNETT FAIRBOURN FRIEDMAN &
BALINT, P.C.
2325 E. Camelback Road, Suite 300
Phoenix, AZ 85016
Tel: (602) 274-1100
Fax: (602) 274-1199
Email: vbunch@bffb.com

Richard A. Feinstein – ***Co-Chair, Expert Committee***

Karen Dyer – ***Expert Committee***
Hamish P.M. Hume – ***Discovery Committee***
Kathleen Kiernan – ***Written Submissions Committee***
BOIES, SCHILLER & FLEXNER LLP
5301 Wisconsin Avenue NW
Washington, DC 20015
Tel: (202) 237-2727
Fax: (202) 237-6131
Email: tchutkan@bsfllp.com
kdyer@bsfllp.com
hhume@bsfllp.com
kkiernan@bsfllp.com

Patrick Cafferty – ***Discovery Committee***

CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP
101 North Main Street, Suite 565
Ann Arbor, MI 48104
Tel: (734) 769-2144
Fax: (734) 769-1207
Email: pcafferty@caffertyclobes.com

Bryan Clobes – ***Litigation Committee***

Ellen Meriwether – ***Written Submissions Committee***
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP
1101 Market Street, Suite 2650
Philadelphia, PA 19107
Tel: (215) 864-2800
Fax: (215) 864-2810
Email: bclobes@caffertyclobes.com
emeriwether@caffertyclobes.com

David A. Balto – ***Expert Committee***
DAVID A. BALTO LAW OFFICES
1350 I Street, N.W., Suite 850
Washington, DC 20005
Tel: (202) 789-5424
Fax: (202) 589-1819
Email: david.balto@dcantitrustlaw.com

Douglas Dellaccio – ***Litigation Committee***
CORY WATSON CROWDER &
DEGARIS, P.C.
2131 Magnolia Avenue, Suite 200
Birmingham, AL 32505
Tel: (205) 328-2200
Fax: (205) 324-7896
Email: ddellaccio@cwcd.com

Peter H. Burke – ***Class Certification Committee***
J. Allen Schreiber – ***Litigation Committee***
BURKE HARVEY, LLC
3535 Grandview Parkway
Suite 100
Birmingham, AL 35243
Tel: (205) 930-9091
Fax: (205) 930-9054
Email: pburke@burkeharvey.com
aschreiber@burkeharvey.com

Chris Cowan – ***Damages Committee***
THE COWAN LAW FIRM
One Meadows Building
5005 Greenville Avenue, Suite 200
Dallas, TX 75206
Tel: (214) 826-1900
Fax: (214) 826-8900
Email: chris@cowanlaw.net

Richard S. Frankowski – ***Discovery Committee***
THE FRANKOWSKI FIRM, LLC
231 22nd Street South, Suite 203
Birmingham, AL 35233
Tel: (205) 390-0399
Fax: (205) 390-1001
Email: richard@frankowskifirm.com

Edwin J. Kilpela, Jr.
Benjamin Sweet – ***Litigation Committee***
CARLSON LYNCH LTD
115 Federal St., Suite 210
Pittsburgh, PA 15212
Tel: (412) 322-9243
Fax: (412) 231-0246
Email: ekilpela@carlsonlynch.com
bsweet@carlsonlynch.com

John C. Davis – ***Written Submissions Committee***

LAW OFFICE OF JOHN C. DAVIS
623 Beard Street
Tallahassee, FL 32303
Tel: (850) 222-4770
Email: john@johndavislaw.net

Robert M. Foote – ***Damages Committee***

FOOTE, MIELKE, CHAVEZ &
O'NEIL, LLC
10 West State Street, Suite 200
Geneva, IL 60134
Tel: (630) 797-3339
Fax: (630) 232-7452
Email: rmf@fmcolaw.com

Lynn W. Jinks, III – ***Expert Committee***

Christina D. Crow – ***Discovery Committee***
JINKS CROW & DICKSON, P.C.
219 North Prairie Street
Union Springs, AL 36089
Tel: (334) 738-4225
Fax: (334) 738-4229
Email: ljinks@jinkslaw.com
ccrow@jinkslaw.com

Charles T. Caliendo – ***Class Certification Committee***

GRANT & EISENHOFER
485 Lexington Avenue
New York, NY 10017
Tel: (646) 722-8500
Fax: (646) 722-8501
Email: ccaliendo@gelaw.com

W. Daniel Miles, III – ***Written Submissions Committee***

BEASLEY ALLEN CROW METHVIN
PORTIS
& MILES, P.C.
218 Commerce Street
Montgomery, AL 36104
Tel: (800) 898-2034
Fax: (334) 954-7555
Email: dee.miles@beasleyallen.com

Robert Eisler – ***Discovery Committee***

GRANT & EISENHOFER
123 Justison Street
Wilmington, DE 19801
Tel: (302) 622-7000
Fax: (302) 622-7100
Email: reisler@gelaw.com

Joey K. James – ***Litigation Committee***
BUNCH & JAMES
P. O. Box 878
Florence, AL 35631
Tel: (256) 764-0095
Fax: (256) 767-5705
Email: joey@bunchandjames.com

David Guin – ***Chair, Written Submissions Committee***
Tammy Stokes – ***Damages Committee***
GUIN, STOKES & EVANS, LLC
The Financial Center
505 20th Street North, Suite 1000
Birmingham, AL 35203
Tel: (205) 226-2282
Fax: (205) 226-2357
Email: davidg@gseattorneys.com
tammys@gseattorneys.com

Mark K. Gray – ***Discovery Committee***
GRAY & WHITE
713 E. Market Street, Suite 200
Louisville, KY 40202
Tel: (502) 805-1800
Fax: (502) 618-4059
Email: mgray@grayandwhitelaw.com

Daniel Gustafson – ***Litigation Committee***
Daniel C. Hedlund – ***Damages Committee***
GUSTAFSON GLUEK PLLC
120 South Sixth Street, Suite 2600
Minneapolis, MN 55402
Tel: (612) 333-8844
Fax: (612) 339-6622
Email: dgustafson@gustafsongluek.com
dhedlund@gustafsongluek.com

Stephen M. Hansen – ***Class Certification Committee***
LAW OFFICE OF STEPHEN M.
HANSEN
1821 Dock Street
Tacoma, WA 98402
Tel: (253) 302-5955
Fax: (253) 301-1147
Email: steve@stephenmhansenlaw.com

Brent Hazzard – ***Litigation Committee***
HAZZARD LAW, LLC
447 Northpark Drive
Ridgeland, MS 39157
Tel: (601) 977-5253
Fax: (601) 977-5236
Email: brenthazzard@yahoo.com

Harley S. Tropin – ***Damages Committee***
Javier A. Lopez – ***Discovery Committee***
KOZYAK TROPIN &
THROCKMORTON, P.A.
2525 Ponce De Leon Boulevard, 9th Floor
Miami, FL 33134
Tel: (305) 372-1800
Fax: (305) 372-3508
Email: hst@kttlaw.com
jal@kttlaw.com

C. Wes Pittman – ***Settlement Committee***
THE PITTMAN FIRM, P.A.
432 McKenzie Avenue
Panama City, FL 32401
Tel: (850) 784-9000
Fax: (850) 763-6787
Email: wes@pittmanfirm.com

Robert B. Roden – ***Litigation Committee***
SHELBY RODEN, LLC
2956 Rhodes Circle
Birmingham, AL 35205
Tel: (205) 933-8383
Fax: (205) 933-8386
Email: rroden@shelbyroden.com

Gary E. Mason – ***Class Certification Committee***
WHITFIELD BRYSON & MASON, LLP
1625 Massachusetts Ave. NW, Suite 605
Washington, DC 20036
Tel: (202) 429-2290
Fax: (202) 640-1160
Email: gmason@wbmllp.com

John Saxon – ***Litigation Committee***
JOHN D. SAXON, P.C.
2119 3rd Avenue North
Birmingham, AL 35203-3314
Tel: (205) 324-0223
Fax: (205) 323-1583
Email: jsaxon@saxonattorneys.com

Lawrence Jones – ***Damages Committee***
JONES WARD PLC
312 South Fourth Street, Sixth Floor
Louisville, KY 40202
Tel: (502) 882-6000
Email: larry@jonesward.com

Andrew Lemmon – ***Chair, Discovery Committee***
LEMMON LAW FIRM
650 Poydras Street, Suite 2335
New Orleans, LA 70130
Tel: (504) 581-5644
Fax: (504) 581-2156
Email: andrew@lemonnlawfirm.com

Virginia Buchanan – ***Chair, Class Certification Committee***
LEVIN PAPANTONIO THOMAS
MITCHELL RAFFERTY &
PROCTOR, P.A.
316 South Baylen Street, Suite 600
Pensacola, FL 32502
Tel: (850) 435-7000
Fax: (850) 435-7020
Email: vbuchanan@levinlaw.com

Lance Michael Sears
SEARS & SWANSON, P.C.
First Bank Building
2 North Cascade Avenue, Suite 1250
Colorado Springs, CO 80903
Tel: (719) 471-1984
Fax: (719) 577-4356
Email: lance@searsassociates.com

Michael C. Dodge – *Expert Committee*
GLAST PHILLIPS & MURRAY, P.C.
14801 Quorum Drive, Suite 500
Dallas, TX 75254
Tel: (972) 419-7172
Email: mdodge@gpm-law.com

Michael E. Gurley, Jr. – *Discovery Committee*
Attorney at Law
24108 Portobello Road
Birmingham, AL 35242
Tel: (205) 908-6512
Email: mgurleyjr@yahoo.com

Robert Methvin – *Chair, Settlement Committee*
James M. Terrell – *Class Certification Committee*
MCCALLUM, METHVIN & TERRELL, P.C.
The Highland Building
2201 Arlington Avenue South
Birmingham, AL 35205
Tel: (205) 939-0199
Fax: (205) 939-0399
Email: rgm@mmlaw.net
jterrell@mmlaw.net

Michael McGartland – *Class Certification Committee*
MCGARTLAND & BORCHARDT LLP
1300 South University Drive, Suite 500
Fort Worth, TX 76107
Tel: (817) 332-9300
Fax: (817) 332-9301
Email: mike@attorneysmb.com

H. Lewis Gillis – *Co-Head Chair, Litigation Committee*
MEANS GILLIS LAW, LLC
3121 Zelda Court
Montgomery, AL 36106
Tel: 1-800-626-9684
Email: hlgillis@tmgslaw.com

Myron C. Penn – ***Discovery Committee***
PENN & SEABORN, LLC
53 Highway 110
Post Office Box 5335
Union Springs, AL 36089
Tel: (334) 738-4486
Fax: (334) 738-4432
Email: myronpenn28@hotmail.com

J. Preston Strom, Jr. – ***Litigation Committee***
STROM LAW FIRM, LLC
2110 N. Beltline Boulevard, Suite A
Columbia, SC 29204-3905
Tel: (803) 252-4800
Fax: (803) 252-4801
Email: petestrom@stromlaw.com

Thomas V. Bender – ***Discovery Committee***
WALTERS BENDER STROHBEHN & VAUGHAN, P.C.
2500 City Center Square, 1100 Main
Kansas City, MO 64105
Tel: (816) 421-6620
Fax: (816) 421-4747
Email: tbender@wbsvlaw.com

David J. Hodge – ***Chair, Settlement Committee***
MORRIS, KING & HODGE
200 Pratt Avenue NE
Huntsville, AL 35801
Tel: (256) 536-0588
Fax: (256) 533-1504
Email: lstewart@alinjurylaw.com

Dianne M. Nast – ***Class Certification Committee***
NASTLAW LLC
1101 Market Street, Suite 2801
Philadelphia, PA 19107
Tel: (215) 923-9300
Fax: (215) 923-9302
Email: dnast@nastlaw.com

Patrick W. Pendley – ***Chair, Damages Committee***
Christopher Coffin – ***State Liaison Committee***
PENDLEY, BAUDIN & COFFIN, LLP
Post Office Drawer 71
Plaquemine, LA 70765
Tel: (225) 687-6369
Email: ppendley@pbclawfirm.com
ccoffin@pbclawfirm.com

Michael L. Murphy – ***Discovery Committee***
BAILEY GLASSER LLP
910 17th Street, NW, Suite 800
Washington, DC 20006
Tel: (202) 463-2101
Fax: (202) 463-2103
Email: mmurphy@baileyglasser.com

Edgar D. Gankendorff – ***Co-Head Chair, Litigation Committee***
Eric R.G. Belin – ***Damages Committee***
PROVOSTY & GANKENDORFF, LLC
650 Poydras Street, Suite 2700
New Orleans, LA 70130
Tel: (504) 410-2795
Fax: (504) 410-2796
Email: egankendorff@provostylaw.com
ebelin@provostylaw.com

Gregory S. Cusimano – ***Litigation Committee***
CUSIMANO, ROBERTS & MILLS, LLC
153 South 9th Street
Gadsden, AL 35901
Phone: (256) 543-0400
Fax: (256) 543-0488
Email: greg@alalawyers.net

Richard Rouco – ***Written Submissions Committee***
QUINN, CONNOR, WEAVER,
DAVIES & ROUCO LLP
Two North Twentieth Street
2 – 20th Street North, Suite 930
Birmingham, AL 35203
Tel: (205) 870-9989
Fax: (205) 870-9989
Email: rrouco@qcwdr.com

Brian E. Wojtalewicz
WOJTALEWICZ LAW FIRM, LTD.
139 N. Miles Street
Appleton, MN 56208
Tel: (320) 289-2363
Fax: (320) 289-2369
Email: brian@wojtalewiczwlf.com

Garrett Blanchfield – ***Written Submissions Committee***
REINHARDT, WENDORF &
BLANCHFIELD
E-1250 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101
Tel: (651) 287-2100
Fax: (651) 287-2103
Email: g.blanchfield@rwblawfirm.com

Archie C. Lamb, Jr.
ARCHIE LAMB & ASSOCIATES, LLC
301 19th Street North, Suite 585
The Kress Bldg.
Birmingham, AL 35203-3145
(205) 458-1210
Email: alamb@archielamb.com

Paul Lundberg
LUNDBERG LAW, PLC
600 4TH Street, Suite 906
Sioux City, IA 51101
Tel: (712) 234-3030
Fax: (712) 234-3034
Email: paul@lundberglawfirm.com

Jessica Dillon
Ray R. Brown
Molly Brown
DILLON & FINDLEY, P.C.
1049 W. 5th Avenue, Suite 200
Anchorage, AK 99501
Tel: (907) 277-5400
Fax: (907) 277-9896
Email: Jessica@dillonfindley.com
Ray@dillonfindley.com
Molly@dillonfindley.com

Jason Thompson – *Damages Committee*
SOMMERS SCHWARTZ
One Towne Square, 17th Floor
Southfield, MI 48076
Tel: (248) 355-0300
Email: jthompson@sommerspc.com

Larry McDevitt – *Chair, Class Certification Committee*
David Wilkerson – *Discovery Committee*
VAN WINKLE LAW FIRM
11 North Market Street
Asheville, NC 28801
Tel: (828) 258-2991
Email: lmcdevitt@vwlawfirm.com
dwilkerson@vwlawfirm.com

Carl S. Kravitz – *Co-Chair, Expert Committee*
ZUCKERMAN SPAEDER LLP
1800 M Street NW, Suite 1000
Washington, DC 20036-5807
Tel: (202) 778-1800
Fax: (202) 822-8106
Email: ckravitz@zuckerman.com

James Redmond
Cynthia C. Moser
HEIDMAN LAW FIRM
1128 Historic 4th Street
P. O. Box 3086
Sioux City, IA 51101
Tel: (712) 255-8838
Fax (712) 258-6714
Email: Jim.Redmond@heidmanlaw.com
Cynthia.Moser@heidmanlaw.com

Gwen Simons
Simons & Associates Law, P.A.
P.O. Box 1238
Scarborough, ME 04070-1238
Tel: (207) 205-2045
Fax: (207) 883-7225
Email: gwen@simonsassociateslaw.com

CERTIFICATE OF SERVICE

I certify that on February 16, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Joe R. Whatley, Jr.

Joe R. Whatley, Jr.